

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WATERKEEPER ALLIANCE INC., :  
: Plaintiff, : 10-cv-1136 (NSR)  
-against- :  
  
SPIRIT OF UTAH WILDERNESS, INC., :  
d/b/a GREAT SALT LAKEKEEPER, or :  
GREAT SALT LAKE WATER KEEPERs, :  
Defendant. :  
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SPIRIT OF UTAH WILDERNESS, INC., :  
d/b/a GREAT SALT LAKEKEEPER, or :  
GREAT SALT LAKE WATER KEEPERs, :  
: Counterclaimant, :  
-against- :  
  
WATERKEEPER ALLIANCE INC., :  
: Counterdefendant.  
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**NELSON S. ROMÁN, United States District Judge:**

Upon the complaint of plaintiff Waterkeeper Alliance, Inc., the affidavit with exhibits of John H. Reichman, sworn to on October 16, 2014, and the declaration with exhibits of Marc Yaggi sworn to on October 16, 2014, it is:

ORDERED that because Plaintiff has shown irreparable harm due to Spirit of Utah Wilderness, Inc.'s ("SUW") continued use of the mark in violation of the license agreement and the likelihood of confusion, see *Church of Scientology Intern. v. Elmira Mission of the Church of*

*Scientology*, 794 F.2d 38 (2d Cir. 1986), and has shown a likelihood of success on the merits due to Plaintiff's revocation of the Waterkeeper license held by SUW and SUW's continued use of the mark, pending the hearing and determination of plaintiff's application for a default judgment, SUW and its principals, directors, officers, agents, and representatives, including Jeffrey Salt (the "Enjoined Parties") are temporarily restrained and enjoined from:

- (i) using the "WATERKEEPER Marks," as defined in paragraph 19 of the Complaint including the Marks and term Lakekeeper, Great Salt Lakekeeper, and Great Salt Lake Waterkeeper, or any variation of these Marks and terms;
- (ii) referring to Jeffrey Salt as the Great Salt Lakekeeper or the Executive Director of the Great Salt Lakekeeper or making any other similar reference;
- (iii) manufacturing, distributing, marketing, advertising, promoting, transporting, disposing of, donating, or offering for sale, or otherwise distributing in digital or paper form, any correspondence, email, books, papers, pamphlets, paraphernalia, or merchandise that uses any of the WATERKEEPER Marks or any mark that is confusingly similar to the WATERKEEPER Marks, including the Marks and terms Lakekeeper, Great Salt Lakekeeper, and Great Salt Lake Waterkeeper, or any variation of the WATERKEEPER Marks;
- (iv) engaging in any conduct or making any representation which is likely to cause members of the public to believe any, goods, services or activities of the Enjoined Parties are in any way endorsed by, approved by, associated with or affiliated with the Plaintiff;

- (v) using any email address, email list, electronic bulletin board, listserv, website, etc., that contains the infringing WATERKEEPER Marks, including the Marks and terms Lakekeeper, Great Salt Lakekeeper, and Great Salt Lake Waterkeeper, including the Marks and terms Lakekeeper, Great Salt Lakekeeper, and Great Salt Lake Waterkeeper, or any variation of the WATERKEEPER Marks, including any email address with the suffix “@greatsaltlakekeeper.org,” including the email address “jeffsalt@greatsaltlakekeeper.org;”
- (vi) operating any website containing or using any of the WATERKEEPER Marks, including the Marks and terms Lakekeeper, or any variation thereof, Great Salt Lakekeeper, and Great Salt Lake Waterkeeper;
- (vii) effecting assignments or transfers, forming new entities or associations, or using any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in this Order; and
- (viii) assisting, inducing, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in the preceding lettered paragraphs.

ORDERED that service of a hard copy of this order with plaintiff's supporting papers must be made by overnight mail and by certified mail with return receipt upon SUW and upon Jeffrey Salt, as an officer of SUW, on or before 8 o'clock in the evening Eastern Standard Time, on November 18, 2014. Plaintiff must also file a Proof of Service with this Court after serving Mr. Salt.

ORDERED that this Temporary Restraining Order will be in effect only until Plaintiff's application for a default judgment is heard on December 4, 2014. If necessary, the Court may extend the Order at that time.

Dated: November 17, 2014  
White Plains, New York

SO ORDERED:

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NELSON S. ROMÁN  
United States District Judge